IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 29310 of 1998

Between:

B.Brahmananda Chary, S/o.B.Rajamouli,
O/o.Vijayanagar College of Commerce, Vijayanagar Colony,
Hyderabad.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by its Secretary,Higher Education Department, Secretariat, Hyderabad.

2 The Commissioner of Collegeiate Education, Government of Andhra Pradesh, Hyderabad.

3 Vijayanagar College of Commerce, Rep. by its Hon.Secretary/Correspondent, Vijayanagar Colony, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of 'Certiorari' calling for the records in Memo.No.1778/CE-II, dt.22-11-1997 issued by the 1st respondent and quash the same holding it as arbitrary, illegal and discriminatory and also subversion of Art.14 & 16 of the Constitution of India, and direct the Respondent-1 herein to allow the monetary benefit on par with G.O.Ms.No.148,Edn,dated 26-6-1993 with all consequential benefits and such other attendant benefits as the Hon'ble Court may find expedient in the interest of Justice and pass such other order or orders.

Counsel for the Petitioner: MR.M.RATNA REDDY
Counsel for the Respondent Nos. 1 & 2: GP FOR HIGHER EDUCATION
Counsel for the Respondent No.3: None appeared.

The Court made the following :

–

ORDER

Heard Mr.D.Ramakrishna, learned counsel appearing on behalf of the petitioner and also learned Government Pleader for Higher Education appearing on behalf of the respondents.

The petitioner herein, who has been working as Lecturer with the 3rd respondent herein, filed this Writ Petition *inter alia* seeking to assail the impugned order in memo, dated
22-11-1997, rejecting his representation for grant of monetary benefit.

The main grievance of the petitioner is that along with him one Dilipkumar Jain and V.Venkateswara Rao, lecturers in Hindi and Commerce respectively were appointed and were given all the benefits including the monetary benefit w.e.f.
16-04-1990. However, the 1st respondent issued G.O.Ms.No.842, dated 25-07-1997, denying the monetary benefit to the petitioner. Hence the Writ Petition.

In the counter affidavit filed on behalf of the respondents it is sought to be justified that the other two persons namely Dilipkumar Jain and V.Venkateswara Rao stand on different footing, whereas the petitioner was given whatever the benefits to which he is entitled to under the law. Further having not challenged G.O.Ms.No.842 granted earlier, he is not entitled to seek any such relief by way of representation.

Considering the submissions made and on perusal of record, it is seen that admittedly the petitioner as well as Dilipkumar Jain and V.Venkateswara Rao, were appointed as lecturers on 10-09-1985, have joined service and are working as such. However while considering the case of the other two persons, namely Dilipkumar Jain and V.Venkateswara Rao, the respondents issued

orders in G.O.Ms.No.148, Education, dated 26-06-1993 admitting grant-in-aid w.e.f.
16-04-1990 in respect of those persons. While issuing G.O.Ms.No.842, dated 25-07-1996, the said benefit was not given to the petitioner. In all, the representation filed by the petitioner earlier and also subsequently in pursuance of the present order, his case was not treated on par with the said Dilipkumar Jain and V.Venkateswara Rao. Neither G.O.Ms.No.842, dated 25-07-1996, nor the impugned order have any say in this regard. No reasons are given as to why the petitioner is sought to be denied when the other persons who were similarly placed were given such relief. In view of the same, apart from laconic, no substantial plea was raised by the petitioner. In the circumstances, it is quite desirable that an opportunity should be provided to the petitioner to file proper representation afresh which can be considered again.

Accordingly, the Writ Petition is allowed by setting the impugned order. The petitioner shall file a comprehensive detailed representation once again within a period of two weeks from today and on receipt of such representation, the 1st respondent shall consider and dispose of the same on merits in accordance with law within a period of eight weeks from the date of receipt of such representation. No costs.

01-04-2005

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Friday, the First day of April, 2005.

Asst. Registrar

To

1 The Secretary, Higher Education Department,State of Andhra Pradesh, Secretariat, Hyderabad.

2 The Commissioner of Collegeiate Education, Government of Andhra Pradesh, Hyderabad.

3 2 C.Cs to G.P. for Higher Education, High Court buildings, Hyderabad (OUT)

4 2 CD copies.